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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/883,590

06/18/2001

Renee Frengut

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1985

44538 7590 02/25/2009
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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RENEE FRENGUT

Application No. 09/883,590
Technology Center 3600

Mailed: February 25, 2009

Before TOI JOHNSON *Review Paralegal*
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed November 9, 2007, under the heading “Grounds of rejection to be reviewed on appeal” is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the Non-Final Office Action mailed March 7, 2007. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the Non-Final Rejection mailed March 7, 2007, and the Examiner’s Answer mailed January 25, 2008, finds that claims 5 and 14 are rejected under 35 U.S.C. 103(a) over Ludwig, e-Focusgroups.com and Thomas; whereas Appellants have improperly listed the ground of rejection as; 5 and 14-26 is rejected under 35 U.S.C. 103(a) over Ludwig, e-Focusgroups.com and Thomas. Correction of the grounds of rejection to be reviewed on appeal for all claims is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) hold the Appeal Brief filed on November 9, 2007 defective;

2) notify Appellant to file a “paper” properly addressing the Grounds of rejection of all claims;

3) acknowledge and consider any “paper” submitted by Appellant to correct the Appeal Brief; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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